



**OKLAHOMA
INSURANCE
DEPARTMENT**

Insurance Commissioner, Glen Mulready

400 NE 50th Street 405.521.2746 405.522.0125
Oklahoma City, OK 73105 oid.ok.gov

Legal Division

March 7, 2022

MARKEL AMERICAN INSURANCE COMPANY
4521 HIGHWOODS PKWY
GLEN ALLEN VI 23060

RE: CJ2200604
In the District Court in TULSA
State of Oklahoma
PEDERNAL PROPERTIES, LLC
vs
MARKEL AMERICAN INSURANCE COMPANY

Dear Sir or Madam:

Enclosed is a copy of the above captioned summons
served on the Insurance Commissioner as designated agent
for service of process of foreign insurance companies doing
business in the State of Oklahoma (36 O.S. section 621(B)).

Sincerely,

GLEN MULREADY
Insurance Commissioner

Maria Torres

Legal Department

dp/enclosure



KATHLEEN A. STURGEON
MARKEL CORPORATION TEN PARKWAY NO
DEERFIELD IL 60015



**Service of Process
Transmittal**

03/08/2022

CT Log Number 541196154

TO: Kathleen Sturgeon
MARKEL
10275 W HIGGINS RD STE 750
ROSEMONT, IL 60018-5625

RE: **Process Served in Oklahoma**

FOR: Markel Service, Incorporated (Domestic State: VA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: PEDERNAL PROPERTIES, LLC, an Oklahoma Limited Liability Company vs. MARSH USA INC.

DOCUMENT(S) SERVED: Letter, Summons(es), Petition(s)

COURT/AGENCY: Tulsa County - District Court, OK
Case # CJ202200604

NATURE OF ACTION: Amount \$10,000.00

ON WHOM PROCESS WAS SERVED: The Corporation Company, Oklahoma City, OK

DATE AND HOUR OF SERVICE: By Certified Mail on 03/08/2022 postmarked: "Not Post Marked"

JURISDICTION SERVED : Oklahoma

APPEARANCE OR ANSWER DUE: Within 20 days after service of this summons upon you exclusive of the day of service

ATTORNEY(S) / SENDER(S): Frank W Frasier
FRASIER, FRASIER & HICIMAN, LLP
1700 Southwest Boulevard
Tulsa, OK 74107-1730
918-584-4724

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780103004994
Image SOP
Email Notification, Kathleen Sturgeon legalregulatory@markel.com
Email Notification, LAURIE FORD laurie.ford@markel.com
Email Notification, Scott Olson scott.olson@markel.com
Email Notification, Karen Earls karen.earls@markel.com
Email Notification, Heather Stenmark Heather.Stenmark@markel.com

REGISTERED AGENT ADDRESS: The Corporation Company
1833 South Morgan Road
Oklahoma City, OK 73128
866-401-8252



Service of Process

Transmittal

03/08/2022

CT Log Number 541196154

TO: Kathleen Sturgeon
MARKEL
10275 W HIGGINS RD STE 750
ROSEMONT, IL 60018-5625

RE: **Process Served in Oklahoma**

FOR: Markel Service, Incorporated (Domestic State: VA)

EastTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



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IN THE DISTRICT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

PEDERNAL PROPERTIES, LLC, an
Oklahoma Limited Liability
Company,

Plaintiff,

v.

MARSH USA, INC., a foreign
business corporation; MARKEL
AMERICAN INSURANCE
COMPANY, and MARKEL SERVICE,
INCORPORATED, a foreign
business corporation,

Defendants

DISTRICT COURT
FILED

FEB 28 2022

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Case No. _____

CJ-2022-00604
Caroline Wall

**ATTORNEY'S LIEN CLAIM
JURY TRIAL DEMANDED**

PETITION

COMES NOW Plaintiff, by and through its attorney of record, Frank W Frasier, and the law firm of Frasier, Frasier & Hickman, LLP, and for this its Complaint against the Defendants, Marsh USA, Inc., Markel American Insurance Company, and Markel Service, Incorporated, states as follows:

I

Plaintiff is a limited liability company formed under the laws of the State of Oklahoma.

II

Defendant Marsh USA, Inc., is a foreign business corporation incorporated in the State of Delaware and licensed to do business in the State of Oklahoma.

III

Markel American Insurance Company is an resident of Glenn Allen, Virginia and is formed under the laws of the State of Virginia and sells insurance products in the State of Oklahoma.

IV

Markel Service, Incorporated is a foreign business corporation incorporated in the State of Virginia and licensed to do business in the State of Oklahoma.

V

The facts that give rise to this cause of action occurred in Tulsa County, State of Oklahoma.

VI

The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest, costs, and is otherwise within the jurisdiction of this court.

COUNT ONE - BREACH OF CONTRACT/BAD FAITH

VII

On or before the 19th day of February, 2021, Defendant Marsh USA, Inc. helped Plaintiff procure insurance products from Defendant Markel American Insurance Company and Defendant Markel Service, Incorporated.

VIII

That at all times material herein, the Defendants acted through their respective agents, servants, and employees within the scope and appointment of their agency and authority.

IX

That this Court has jurisdiction over the parties and the subject matter of this cause of action.

X

That all times material herein, Plaintiff was insured by policy number MKLM7IM0052068. This policy was issued by the Defendant Markel American Insurance Company and/or Defendant Markel Service, Incorporated, with the assistance of the Defendant Marsh USA, Inc.

XI

Plaintiff suffered severe and significant loss under this policy and made claim thereunder for benefits. Defendants Markel American Insurance Company wholly failed, refused, and neglected to pay Plaintiff's claims.

XII

The actions of Defendants Markel American Insurance Company and Markel Service, Incorporated in adjusting the losses suffered by Plaintiff were reckless or willful failure to exercise good faith and fair dealing for which Plaintiff suffers distress, loss of monies, and other damages.

VIII

At the time of Plaintiff's loss, there was a policy of insurance in place that the Defendants Markel American Insurance Company and Markel Service, Incorporated breached their contract of insurance with this Plaintiff and, in addition, failed to deal fairly and in good faith with this Plaintiff in that they failed or refused to fairly investigate Plaintiff's claim and timely pay same. That the Defendants were negligent in evaluating the claim and denying the claim.

COUNT TWO - AGENT NEGLIGENCE

Plaintiff incorporates by reference all allegations in paragraph I through VIII as fully set forth herein.

XIV

That Defendant Marsh USA, Inc. did negligently and without proper cause fail to fully inform the Co-Defendant Markel Service, Incorporated and Markel American Insurance Company about Plaintiff's property. In so doing, Marsh USA, Inc. breached its duty to properly inform Co-Defendants of Plaintiff's situation and its duty to procure for Plaintiff the appropriate coverage and take reasonable steps to make sure Plaintiff was provided the insurance coverage it paid premiums to Defendant Marsh USA, Inc.

XV

As a result of Defendant Marsh USA, Inc.'s negligence, Co-Defendant Markel American Insurance Company and Markel Service, Incorporated denied

coverage to Plaintiff for their claims. Thus, Plaintiff has suffered damages including, but not limited to loss of use, property damage, and other expenses.

WHEREFORE, premises considered, Plaintiff prays for judgment against each Defendant in a sum in excess of Ten Thousand Dollars (\$10,000.00) and against each Defendant in a sum in excess of Ten Thousand Dollars (\$10,000.00) for punitive damages, together with attorney's fees, all costs of this action, and for any and all other relief to which Plaintiff may be deemed entitled.

Respectfully submitted,

FRASIER, FRASIER & HICKMAN, LLP

By: 

Frank W Frasier, OBA #17864
1700 Southwest Boulevard
Tulsa, OK 74107-1730
(918) 584-4724
(800) 522-4049
(918) 583-5637 fax
frasier@tulsa.com e-mail